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**From:** Kajumba, Ntale [Kajumba.Ntale@epa.gov]  
**Sent:** 12/21/2020 5:14:07 PM  
**To:** Hicks, Matt [Hicks.Matthew@epa.gov]  
**Subject:** FW: Reporter Inquiry - Florida Section 404 Program

Matt can you respond to the NEPA question that is being asked regarding the 404 assumption?

Thanks,

Ntale

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**From:** Jenkins, Brandi <Jenkins.Brandi@epa.gov>  
**Sent:** Monday, December 21, 2020 12:02 PM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>  
**Cc:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Kajumba, Ntale <Kajumba.Ntale@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>  
**Subject:** FW: Reporter Inquiry - Florida Section 404 Program

All,

Please see the below press inquiry and my proposed response using statements we've already drafted.

*First, I'm looking for the document referred to on page three here:*  
<https://public-inspection.federalregister.gov/2020-28232.pdf>

*On that page it says, "A summary of the comments received, EPA's responses to the comments, and a memorandum documenting the basis for EPA's decision ("State of Florida's Request to Assume a Clean Water Act Section 404 Program", December 17, 2020) can be found in the docket for this action (Docket ID No. EPA- HQ-OW-2018-0640)."*

*Has that document been released yet as I'm not able to find it? If not when will it be?*

*And my questions on this are:*

*Environmental advocates have raised concerns about the fact that NEPA won't be part of reviews for major projects under the change. Do you agree with that assessment and what is your comment on the reduced public participation that may result?*

*And second, advocates argue that the consultation process under the normal federally-administered program is stronger than what is being put forward in this Florida program. What is your response to that criticism?*

*Proposed response:*

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

**From:** Hackel, Angela <[Hackel.Angela@epa.gov](mailto:Hackel.Angela@epa.gov)>

**Sent:** Monday, December 21, 2020 11:17 AM

**To:** Fuld, John <[Fuld.John@epa.gov](mailto:Fuld.John@epa.gov)>; Risley, David <[Risley.David@epa.gov](mailto:Risley.David@epa.gov)>; Gentile, Laura <[Gentile.Laura@epa.gov](mailto:Gentile.Laura@epa.gov)>; Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>

**Subject:** FW: Reporter Inquiry - Florida Section 404 Program

Hello,

We received the below on Florida Section (in particular they are asking questions about NEPA and consultation).

His deadline is 4:00 pm.

Please let me know how you all would like to respond.

Thanks,

Angela

**From:** Michael Phillis <[michael.phillis@law360.com](mailto:michael.phillis@law360.com)>

**Sent:** Monday, December 21, 2020 11:13 AM

**To:** Press <[Press@epa.gov](mailto:Press@epa.gov)>

**Subject:** Reporter Inquiry - Florida Section 404 Program

Hello,

I hope you are doing well. We are writing about the practical implications of Florida administering the Section 404 program. I have seen the press release put out on this.

First, I'm looking for the document referred to on page three here:

<https://public-inspection.federalregister.gov/2020-28232.pdf>

On that page it says, "A summary of the comments received, EPA's responses to the comments, and a memorandum documenting the basis for EPA's decision ("State of Florida's Request to Assume a Clean Water Act Section 404 Program", December 17, 2020) can be found in the docket for this action (Docket ID No. EPA- HQ-OW-2018-0640)."

Has that document been released yet as I'm not able to find it? If not when will it be?

And my questions on this are:

Environmental advocates have raised concerns about the fact that NEPA won't be part of reviews for major projects under the change. Do you agree with that assessment and what is your comment on the reduced public participation that may result?

And second, advocates argue that the consultation process under the normal federally-administered program is stronger than what is being put forward in this Florida program. What is your response to that criticism?

Thank you in advance for your time. I'm writing on a 4:30 p.m. eastern deadline.

Sincerely,

Michael Phillis  
Reporter, Law360  
[michael.phillis@law360.com](mailto:michael.phillis@law360.com)  
646.350.1399



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